

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-17 and 19-26 remain pending. Claim 1 has been amended for clarity and not for reasons related to patentability. Claims 27 and 28 have been added to secure an appropriate scope of protection to which applicant is believed entitled. Claim 27 specifies that the cover panel is adapted to overlies exactly one face of the computer case. Claim 28 specifies that the kit further comprises a computer case front panel for attachment to a front portion of the computer case.

The rejection of claims 1-17 and 19-26 under 35 U.S.C. 103(a) as being unpatentable over Miyai et al. (U.S. Patent 5,139,319 hereinafter Miyai) in view of Korinsky et al. (U.S. Patent 5,964,513 hereinafter Korinsky) and Johnson (U.S. Patent 3,803,670) is hereby traversed.

Applicants attorney disagrees with the Examiner statement that a computer case and side panels are being claimed in the claims of record as the current claims do not claim a computer case or side panel. Clarification of the Examiner's intended meaning is requested.

The Examiner has failed to make out a prima facie case of obviousness and the rejection should be withdrawn. The Examiner has failed to identify any motivation or suggestion in either reference teaching, suggesting, or describing the asserted combination. The Examiner appears to have improperly applied hindsight reasoning based on the present invention to make the asserted combination.

A statement that combinations of the prior art to meet the claimed invention would have been well within the ordinary skill of the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. See MPEP 2143.01 quoting Ex parte Levengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). As described below, with respect to the Korinsky reference, there is no description of a cover panel attached to a side panel as claimed in claim 1. Further as described below, with respect to the Johnson reference, the motivation asserted by the Examiner for the combination is stated and met by the Miyai reference alone without need for the Johnson reference. Because the Examiner has neither identified any teaching in Miyai or Korinsky or Johnson motivating or suggesting the

asserted combination to a person of ordinary skill in the art, the rejection should be withdrawn.

Contrary to the Examiner's assertion regarding Korinsky teaching a cover panel attached to a side panel of a computer case, Korinsky describes replacing a front panel with a panel adapter and a cover panel (Korinsky at column 5, lines 5-8). Korinsky describes use of a panel adapter in conjunction with a cover panel in place of a front panel which appears to be most similar to central portion 42 of the present specification. Further, the Korinsky panel adapter and cover panel together form the replaced front panel, i.e., "two-piece front panel" (Korinsky at column 5, line 6). This combined adapter and cover panel replace a front panel of the computer case similarly to the front portion 42 of the present invention. That is, the Korinsky panel adapter is not a computer case side panel. For at least this reason, the rejection should be withdrawn.

The Examiner's assertion with respect to the combination of Miyai with Johnson is not understood as Miyai already teaches an arrangement to "allow the panels to be fastened together without the use of tools, thereby conserving time . . . and saving money . . ." (Official Action, page 3). Specifically, Miyai describes, at column 7, line 35 through column 8, line 19 and column 9, lines 1-17, in conjunction with the sixth and seventh embodiments a securing arrangement "contributing a great deal to a manufacturing cost reduction" (Miyai at column 9, lines 7-9) and "even [an] infant can readily interchange the facing members by depressing the push buttons" (Miyai at column 9, lines 15-16). Thus, a person of ordinary skill in the art at the time would not have been motivated to combine Miyai with Johnson. For at least this reason, the rejection should be withdrawn.

The Examiner is requested to specifically identify, preferably with reference to column and line number, where each of the recited claims and claim limitations are asserted to be found in the applied references.

Claims 2-7 and 26-28 depend from claim 1, include further important limitations, and are patentable over the applied combination of references for at least the reasons advanced above with respect to claim 1. The rejection of claims 2-7 and 26-28 should be withdrawn.

Specifically with respect to the Examiner's assertion regarding Miyai describing a cover panel having a vent as claimed in claim 5, the Examiner is incorrect as the screw holes 22 of Miyai do not open into the interior of the cabinet 4. Figure 4 is an enlarged sectional view

depicting the depth of the screw hole. Because the screw hole is not a throughhole to the interior of the cabinet 4, the screw hole, either with or without the screw 21 inserted therein, cannot be a vent hole as claimed in claim 5 and the rejection should be withdrawn.

Claim 8 is patentable over the applied combination of references for reasons similar to those advanced above with respect to claim 1 and the rejection should be withdrawn. Claims 9 and 10 depend from claim 8, include further important limitations, and are patentable over the applied references for at least the reasons advanced above with respect to claim 8 from which they depend. The rejection of claims 9 and 10 should be withdrawn.

Claim 11 is patentable over the applied combination of references for reasons similar to those advanced above with respect to claim 1 and the rejection should be withdrawn. Claims 12-17 depend from claim 11, include further important limitations, and are patentable over the applied references for at least the reasons advanced above with respect to claim 8 from which they depend. The rejection of claims 12-17 should be withdrawn.

Further, claim 15 is additionally patentable for reasons similar to those advanced above with respect to claim 5. For at least this reason and the reasons advanced above, the rejection of claim 15 should be withdrawn.

Claim 19 is patentable over the applied combination of references for reasons similar to those advanced above with respect to claim 1 and the rejection should be withdrawn.

Further, claim 19 specifies that the side panel remain visible around the majority of the periphery of the cover panel. Because the references do not disclose and the Examiner has failed to identify a disclosure of the claim 19 limitation the rejection should be withdrawn.

Claims 20-25 depend from claim 19, include further important limitations, and are patentable over the applied references for at least the reasons advanced above with respect to claim 8 from which they depend. The rejection of claims 20-25 should be withdrawn.

Further, claim 23 is additionally patentable for reasons similar to those advanced above with respect to claim 5. For at least this reason and the reasons advanced above, the rejection of claim 23 should be withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

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